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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: David A. Hein et. al.	Group Art Unit: 3661
Serial No: 10/742,341	Examiner: Nguyen, Cuong H
Filed: 12/19/2003	Attorney Docket: 74478
For: A Vehicle Accessory Proximity Sensor Slide Switch	Confirmation No: 6414

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RESPONSE TO ELECTION REQUIREMENT

In response to the Office Action of 11/02/2006, applicants have carefully reviewed the Examiner's comments.

The rejection of claim 14 under 35 U.S.C. 112, second paragraph, as being unclear is respectfully traversed.

The Office action states that the limitation "an arcuate arrangement" is a typo and that the term should read "an accurate arrangement". Contrary to the Office actions recommendation, "an arcuate arrangement" is the correct terminology. The term "arcuate arrangement" describes sensors being aligned in an arc-like manner. The Merriam-Webster dictionary defines the

term "arcuate" as "curved like a bow". Since the term "arcuate" definitively and distinctly points out the subject matter which the application regards as the the invention, the rejection to claim 14 should be withdrawn.

The Examiner indicated that the claims in the application are to be restricted to one of the following inventions:

I: Claims 1-10

II. Claims 11-20

The Examiner required applicant to restrict the application to one of the inventions under 35 U.S.C. 121 for prosecution on the merits.

In accordance with the Examiner's requirement, applicant provisionally elects Invention I for which claims 1-10 are readable thereon.

Applicant respectfully traverses the restriction requirement. The Office action states that Inventions I and II are distinct since using the temperature sensors in a control unit and a method of using the sensor can be used in different environments such as a building, therefore they are distinct fields and have acquired separate status by their different classifications. It is pointed out to the Examiner that in both the apparatus (Invention I) and method (Invention II) that the claims limit both the apparatus and method of use to a vehicle. As a result, the claims are searchable within the same classifications and do not require a search from different fields since both groups of claims have been limited to a vehicle. If the Examiner maintains that the search will still require different classes, then a search in different classifications would have been performed regardless of whether the instant invention claimed only an apparatus or claimed only a method. As a result, the Examiner has not shown that there is an undue burden or extensive search if the examiner selects to search beyond that which the claims have been limited to, namely a vehicle. The decision to search beyond that which the claims have been limited to, namely a vehicle, would then occur regardless of whether either group had been solely claimed in the instant application. Applicant maintains

that both groups of claims are limited to the same classification, namely a vehicle. Therefore the restriction requirement should be withdrawn.

In view of the above election, applicant believes the application is now in condition for further action on the merits.

Respectfully submitted,

Date: 12/19/2006

Frank L. Lollo
Reg. No. 48,854

MacMillan, Sobanski & Todd, LLC
One Maritime Plaza, Fourth Floor
720 Water Street
Toledo, Ohio 43604
Tel: 734-542-0900
Fax: 734-542-9569